THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No. 22518 of 2005

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Dated: 19.10.2005

Between:

Mopuri Venkata Reddy Naidu,

S/o.Venkateswara Rao, age 50 years,

R/o.Sunkarapalem, Tallarevu Mandal,

East Godavari District.

..... PETITIONER

AND

The Government of Andhra Pradesh,

Rep. by its Spl.Chief Secretary, Revenue (LA) Dept.,

Secretariat Buildings, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No. 22518 of 2005

ORDER:

The petitioner claims to be the absolute owner and possessor of the land admeasuring Ac.0.20 in Survey No.115/6A2 of Sunkarapalem Village, Tallarevu Mandal, East Godavari District, having purchased the same under a registered sale deed dated 26.05.2005 from Veera Padmini Ushabai Suryamani. The first respondent issued notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'), proposing to acquire an extent of Acs.55.47 for the public purpose, to wit for construction of Summer Storage Tank for the use of Pondicherry Government. The land purchased by the petitioner in Survey No.115/6A2 is also included in the proposed acquisition. Therefore, the petitioner challenges the notification, dated 16.09.2005, issued under Section 4(1) of the Act.

The learned Counsel for the petitioner, Sri K.Chidambaram, submits that acquisition for construction of Summer Storage Tank for the use of Pondicherry Government is not a public purpose, that the petitioner is the owner of a small extent of land and that there is no necessity to dispense with enquiry under Section 5-A of the Act.

In W.P.No.21976 of 2005, dated 07.10.2005, the impugned notification herein was challenged raising similar grounds. Having regard to Section 3(ee) of the Act and Section 3(f) of the Act, this Court rejected the contention that acquisition for a Water Storage Tank for the Government of Pondicherry is not a public purpose. The argument based on the plea of small farmers and the dispensing with the enquiry under Section 5-A of the Act was also rejected by this Court. This Court however, observed as under.

> The notification was issued on 16.09.2005 for the purpose of construction of Summer Storage Tank. Now that summer is over. The petitioners can be given opportunity to make a representation to raise all other objections before the Land Acquisition Officer, the third respondent herein by filing a representation, within a period of one week from the date of receipt of a copy of this order. As and when such representation is made, the Revenue Divisional Officer may inspect the lands of the petitioners for acquisition, and send a report to the District Collector. This exercise may be completed within a period of one week after receipt of representation. Till then, if the petitioners are in possession, there shall be status quo for a period of two weeks.

Following the same, this Writ Petition is also disposed of giving liberty to the petitioner to file a representation before the third respondent raising objections within a period of one week from the date of receipt of a copy of this order. As and when such representation is filed, the third respondent shall consider and send a report to the District Collector within a period of two weeks thereafter. Till then, if the petitioner is in possession, there shall be status quo for a period of two weeks.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.10.2005

vs